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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,493	01/12/2006	Zenton Goh	4276-101	9011

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INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER	
RAJAN, KAI	
ART UNIT	**PAPER NUMBER**
3736	
MAIL DATE	**DELIVERY MODE**
07/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ED

Office Action Summary	Application No.	Applicant(s)	
	10/564,493	GOH ET AL.	
	Examiner	Art Unit	
	Kai Rajan	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/12/2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 9 and 30 - 42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 9 and 30 - 42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/12/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 30 – 37 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claim 30, Applicant discloses a "first record." The term "first" renders the claim indefinite, since it fails to point out what is being claimed. It is unclear as to whether the "record" is one of a plurality of records, for which there is no "second record" disclosed, or if the "record" is created before another event, in a chronological order. The Examiner has applied prior art in a manner sufficient to reject the claim limitation.

In regards to claim 30 – 37 and 42, Applicant discloses a "first person." The term "first" renders the claim indefinite, since there is no "second person" claimed or disclosed. It is unclear as to whether the Applicant is claiming multiple persons through the use of the term "first." The Examiner has applied prior art in a manner sufficient to reject the claim limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 43 – 46 are rejected under 35 U.S.C. 102(b) as being anticipated by Kumar et al. U.S. Patent No. 6,416,471.

43. A physiological parameter measuring device comprising:

a transducer (Column 4 line 38 – column 6 line 19);

a transmitter (Column 4 line 38 – column 6 line 19); and

a processor connected to the transducer and the transmitter, the processor being adapted to control the transducer to at least intermittently measure a physiological parameter of a person and to control the transmitter to transmit a reading corresponding to the measured physiological parameter when it is determined that the reading has deviated from at least a predetermined threshold value, said physiological parameter measuring device further comprising a housing including (Column 4 line 38 – column 6 line 19):

a first portion (Column 4 line 38 – column 6 line 19 transceiver);

a second portion (Column 4 line 38 – column 6 line 19 sensor band); and

a flexible medial portion connected between the first and the second portion, wherein the processor, transmitter and receiver are accommodated within the first housing portion and the transducer is supported on the second housing portion (Column 4 line 38 – column 6 line 19 sensor band).

44. The device according to Claim 43, further comprising a receiver connected to the processor and wherein the reading is transmitted only if the processor receives an instruction to do so via the receiver (Column 27 line 23 – 30).

45. The device according to Claim 43, wherein the device is a thermometer (Column 8 lines 19 – 60).

46. The device according to Claim 45, wherein the first and the second portion are bendable towards each other to define a U-shaped device for hooking on a piece of clothing so that the transducer is in contact with the abdomen of a person for measuring a temperature thereat (Column 4 line 38 – column 6 line 19).

Claims 1, 2, 5, 6, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Phipps U.S. Patent No. 6,579,231.

1. A method of capturing and monitoring at least one physiological parameter and movement within an area of at least one person, the method comprising:

dividing the area into cells having respective location identifiers (Column 2 line 20 – column 3 line 12, column 4 lines 6 – 18);

providing each person with a respective device for measuring at least one physiological parameter of each person, the physiological parameter being indicative of whether the person has

a physical condition, each device having a device identifier (Column 2 line 20 – column 3 line 12);

at least intermittently measuring a physiological parameter of each person using the respective device to obtain a physiological parameter reading for each measurement (Column 2 line 20 – column 3 line 12);

associating each of at least a selected number of the physiological parameter readings with the respective device identifier of the device by which, the respective location identifier of the cell in which, and a time at which the physiological parameter reading is obtained (Column 2 line 20 – column 3 line 12, column 6 lines 49 – 63); and

storing the associated physiological parameter reading, device identifier, location identifier and time (Column 2 line 20 – column 3 line 12, column 6 lines 49 – 63, column 8 lines 8 – 19, figure 4).

2. The method according to Claim 1, wherein the monitoring is carried out from a remote location, the method further comprising:

transmitting the associated physiological parameter reading, device identifier, location identifier and time to the remote location prior to storing them thereat (Column 2 line 20 – column 3 line 12, column 6 lines 37 – 40).

5. The method according to Claim 1, further comprising comparing the physiological parameter reading with a second predetermined physiological parameter threshold value to determine if the person has a physical condition (Column 5 lines 21 – 35).

6. A method according to Claim 5, further comprising identifying and locating the person using the device identifier and the location identifier associated with the physiological parameter reading if the person is determined to have the physical condition (Column 2 line 20 – column 3 line 12, column 4 lines 6 – 18, 40 – 62).

7. A method according to Claim 5, wherein the second predetermined physiological parameter threshold value is predetermined individually (Column 2 line 20 – column 3 line 12, column 4 lines 6 – 18, 40 – 62).

Claims 1, 3 – 6, 8, 9, and 30 – 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Carlson et al. U.S. PGPub No. 2004/0059205.

1. A method of capturing and monitoring at least one physiological parameter and movement within an area of at least one person, the method comprising:

dividing the area into cells having respective location identifiers (Paragraph 0010);

providing each person with a respective device for measuring at least one physiological parameter of each person, the physiological parameter being indicative of whether the person has a physical condition, each device having a device identifier (Paragraphs 0011, 0057);

at least intermittently measuring a physiological parameter of each person using the respective device to obtain a physiological parameter reading for each measurement (Paragraph 0011);

associating each of at least a selected number of the physiological parameter readings with the respective device identifier of the device by which, the respective location identifier of the cell in which, and a time at which the physiological parameter reading is obtained (Paragraphs 0010, 0011, 0057, 0089); and

storing the associated physiological parameter reading, device identifier, location identifier and time (Paragraphs 0020, 0090).

3. The method according to Claim 1, further comprising comparing the physiological parameter reading with a first predetermined physiological parameter threshold value to determine if the person is wearing the device properly (Paragraphs 0033 – 0045).

4. A method according to Claim 3, further comprising identifying and locating the person using the device identifier and the location identifier associated with the physiological parameter reading if the person is determined not to be wearing the device properly (Paragraphs 0033 – 0045, 0089).

5. The method according to Claim 1, further comprising comparing the physiological parameter reading with a second predetermined physiological parameter threshold value to determine if the person has a physical condition (Paragraphs 0010, 0011, 0057, 0089).

6. A method according to Claim 5, further comprising identifying and locating the person using the device identifier and the location identifier associated with the physiological parameter

reading if the person is determined to have the physical condition (Paragraphs 0010, 0011, 0057, 0089).

8. The method according to Claim 3, further comprising adjusting the physiological parameter reading by a physiological parameter correction factor that is individually determined for the person prior to comparing the adjusted physiological parameter reading with the first or the second predetermined physiological parameter threshold value (Paragraph 0089).

9. The method according to Claim 6, further comprising:

matching a time and location identifier associated with at least one physiological parameter reading taken from a respective device of at least one other person with those of the identified and located person (Paragraph 0017); and

identifying the other person to have been in physical proximity of the identified and located person if there is a match (Paragraph 0017).

30. A system for capturing and monitoring at least one physiological parameter and movement within an area of at least one person, comprising:

a remote control unit (Paragraph 0017); and

a plurality of access stations provided in a spatial arrangement within the area, thereby dividing the area into respective cells, wherein each access station has a respective station identifier, is connected to the control unit and is adapted to receive a physiological parameter reading and a respective device identifier from at least one physiological parameter measuring

device attached to a first person, and to transmit the received physiological parameter reading and the device identifier along with its station identifier to the control unit (Paragraphs 0023, 0024, 0029);

wherein the physiological parameter reading, device identifier, station identifier and a time at which the physiological parameter reading is obtained by the device are stored in a first record at the control unit (Paragraphs 0089 – 0090), and

wherein the control unit is adapted to match a date, time and location identifier of at least another record obtained from another respective device of at least one other person with those in the first record; and to identify the at least one other person to be in physical proximity of the first person if there is a match (Paragraphs 0017, 0022).

31. The system according to Claim 30, wherein the control unit is adapted to compare the physiological parameter reading with a first predetermined physiological parameter threshold value to determine if the first person is wearing the device properly (Paragraphs 0033 – 0045, 0089).

32. The system according to Claim 31, wherein the control unit is further adapted to provide information corresponding to the device identifier and the location identifier associated with the physiological parameter reading for identifying and locating the first person if the first person is determined not to be wearing the device properly (Paragraphs 0010, 0011, 0057, 0089).

33. The system according to Claim 30, wherein the control unit is adapted to compare the physiological parameter reading with a second predetermined threshold value to determine if the first person has a physical condition (Paragraphs 0010, 0011, 0057, 0089).

34. The system according to Claim 33, wherein the control unit is further adapted to provide information corresponding to the device identifier and the location identifier associated with the physiological parameter reading for identifying and locating the first person if the first person is determined to have the physical condition (Paragraphs 0010, 0011, 0057, 0089).

35. The system according to Claim 33, wherein the second predetermined physiological parameter threshold is predetermined individually for the first person (Paragraph 0019).

36. The system according to Claim 31, wherein the physiological parameter reading is adjusted to include a physiological parameter correction factor that is individually determined for the first person prior to comparing the adjusted physiological parameter reading with either the first or second physiological parameter threshold value (Paragraph 0089).

37. The system according to Claim 31, wherein the control unit is adapted to generate an alert message if the first person is determined either not to be wearing the device properly or to have the physical condition, the alert message including information corresponding to the station identifier and the device identifier (Paragraphs 0010, 0011, 0033 – 0045, 0057, 0089).

38. The system according to Claim 37, wherein the alert message is sent to a predetermined recipient via a communication network to which the control unit is connectable (Paragraph 0017).

39. The system according to Claim 38, wherein the communication network is a public communication network (Paragraph 0015).

40. The system according to Claim 30, wherein the control unit is adapted to instruct the device to transmit its device identifier and a physiological parameter reading measured therewith (Figure 1b).

41. The system according to Claim 40, wherein the control unit is adapted to instruct the device by broadcasting a corresponding instruction via at least one selected access station, the instruction being receivable by all devices in a coverage area of the at least one selected access station (Figure 1b).

42. The system according to Claim 30, further comprising at least one physiological parameter measuring device that is attachable to the first person for monitoring at least one physiological parameter of the first person, each device having a device identifier and being connected to the respective access station of the cell when it is within the cell (Paragraphs 0010, 0011, 0057, 0089).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kai Rajan whose telephone number is 571-272-3077. The examiner can normally be reached on Monday-Friday 9:00AM to 4:00PM.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kai Rajan
July 6, 2007

/Michael Astorino